

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 ROBERT CURTIS WILLIAMS, III) Case No.: 1:20-cv-01617-SAB (PC)
12 Plaintiff,)
13 v.) ORDER DIRECTING CLERK OF COURT TO
14 CASTRO, et al.,) RANDOMLY ASSIGN A DISTRICT JUDGE TO
15 Defendants.) THIS ACTION
16) FINDINGS AND RECOMMENDATION
17) RECOMMENDING DISMISSAL OF CERTAIN
18) CLAIMS AND DEFENDANTS
19)
20) (ECF Nos. 14, 15)

21 Plaintiff Robert Curtis Williams, III is proceeding *pro se* and *in forma pauperis* in this civil
22 rights action pursuant to 42 U.S.C. § 1983.

23 On January 8, 2021, the undersigned screened Plaintiff's first complaint and found that
24 Plaintiff stated a cognizable claim for deliberate indifference against Defendant Regado for making
25 death threats, and against Defendants Regado, Ruiz, and Castro for deliberate indifference to his safety
26 and violation of the Equal Protection Clause. (ECF No. 14.) However, Plaintiff was advised that he
27 failed to state any other cognizable claims. (*Id.*) Therefore, Plaintiff was advised that he could file an
28 amended complaint or a notice of intent to proceed on the claim found to be cognizable. (*Id.*)

On January 29, 2020, Plaintiff notified the Court of his intent to proceed against Defendant
Regado for making death threats, and against Defendants Regado, Ruiz, and Castro for deliberate
indifference to his safety and violation of the Equal Protection Clause. Accordingly, the Court will
recommend that this action proceed only against Defendants Regado, Ruiz, and Castro. Fed. R. Civ.

1 P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544,
2 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

3 Accordingly, the Clerk of the Court is HEREBY DIRECTED to randomly assign a District
4 Judge to this action.

5 Further, based on the foregoing, it is HEREBY RECOMMENDED that:

- 6 1. This action proceed on Plaintiff's deliberate indifference claim against Defendant
7 Regado for making death threats, and against Defendants Regado, Ruiz, and Castro for
8 deliberate indifference to his safety and violation of the Equal Protection Clause; and
- 9 2. All other claims and Defendants for relief are dismissed for failure to state a
10 cognizable claim.

11 These Findings and Recommendations will be submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
13 after being served with these Findings and Recommendations, Plaintiff may file written objections
14 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
15 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
16 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
17 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18
19 IT IS SO ORDERED.

20 Dated: February 1, 2021


UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28